

Remarks:

Status of Claims

Claims 1-16 were previously pending. Claims 1 and 11 are amended herein and claims 17-23 are new. Thus, claims 1-23 are currently pending with claims 1, 11, and 21 being independent.

Office Action

In the September 15, 2005, Office Action, the Examiner rejected claims 1-5, 7, 10-13, and 16 under 35 USC 102(e) as being anticipated by West (U.S. Patent No. 6,314,699), rejected claims 8, 9, and 14 under 35 USC 103(a) as being obvious in view of West, and rejected claims 6 and 15 under 35 USC 103(a) as being obvious in view of West and a Timber Tech article with an archive.org date of 1998. The Examiner additionally required correction of a minor informality in the specification, which has been undertaken herein. Applicant respectfully submits that the arguments and amendments made herein overcome the Examiner's rejections.

Claims 1-10 and 20

Claim 1, from which claims 2-10 and 20 depend, has been amended to recite the feature of a normally-upper lip being approximately equal in height to a normally-lower lip. As shown in FIG. 4, utilizing lips of generally equal heights enables the groove to be centrally positioned along one side of the board, thereby increasing the rigidity and strength of the board. Providing a centrally-positioned groove additionally enables the board to be easily and quickly installed at an angle. Further, such a configuration facilitates formation of the board and enables the downward holding force discussed on pages 4-7 of the application to be applied to the lower lip without damaging the lower lip or the board.

In contrast, West provides a lower lip and an upper lip having substantially different heights. As shown in FIG. 1A, West's board includes an upper lip having a height approximately five times the height of a lower lip. Such differences in height result in a groove positioned in close proximity to the bottom of the board, thereby requiring precise formation of the board and the groove.

Additionally, West's utilization of a lower lip having a height negligible in comparison with an upper lip height reduces the structural integrity of the board and the lower lip, thereby prohibiting the application of a downward holding force to the lower lip, such as the force described on pages 4-7 of the application. Further, the limited height of the lower lip inhibits installation of West's board at an angle, thereby requiring time consuming and precise alignment of installed boards. Thus, as no prior art of record discloses or suggests the recited features of claim 1, claims 1-10 and 20 are now in allowable condition.

Claim 20 is additionally allowable as is includes the feature of a groove lacking a recess operable to retain water. As discussed below in relation to claims 11-19, no prior art of record discloses or suggests this feature.

Claims 11-19 and 21-23

Claim 11, from which claims 12-19 depend, has been amended to recite the feature of a groove "lacking a recess operable to retain water." As shown in FIG. 4, such a configuration and associated slope enables the groove to present a continuous rounded surface that may be easily formed. Further, by lacking a groove that is operable to retain water, the present invention prevents damage to the board caused by expansion and contraction.

In contrast, West provides a board having a groove that includes a recess operable to retain water. Specifically, West's board includes a bottom surface with downward and *upward* sloping projections to accommodate the nubs 48 of the deck clip 12. As shown in FIG. 1A, these upward sloping projections provide a recess within the groove that may hold water or other damaging liquids. For instance, should water fall within the gap 24 due to rain, the water would run off the deck clip 12, into the receiving chambers 12 (grooves), and remain within the bottom portion of the receiving chambers 12 due to the upward sloping projections, thereby forming a water-retaining recess and damaging the board. Thus, no prior art of record discloses or suggests the recited features of claim 11 and claims 11-19 are now in allowable condition.

Claim 17 is additionally allowable as it recites that "said groove and lower lip lack protrusions extending away from the joists." In contrast, West's lower lip includes an upward extending protrusion that extends away from the joists (14) and above the bottom surface of the groove (receiving chamber 12). Such utilization of an upward projection forms an undesirable water receiving recess within the groove. As shown in FIG. 4, the present invention lacks such undesirable upward projections.

Claim 18 is additionally allowable as it recites that "said groove includ(es) an inner-most surface representing the deepest portion of the groove and a bottom surface extending from the inner-most surface to the lower lip, said inner-most surface, bottom surface, and lower lip presenting a continuously downward slope." In contrast, West's groove and/or lower lip presents one or more surfaces having an upward slope, such as the upward protrusions discussed in the previous paragraph. Utilization of surfaces having upward slopes creates an undesirable water retraining recess. As shown in FIG. 4, the present invention lacks such upward sloping surfaces.

Claim 19 is additionally allowable as it recites the feature of the upper lip and the lower lip being approximately equal in height. As discussed above in relation to claims 1-10 and 20, no prior art of record discloses or suggests this feature.

New independent claim 21, from which claims 22-23 depend, includes the feature of a board having a groove "lacking a recess operable to retain water." As discussed above in relation to claim 11, no prior art of record discloses or suggests this feature and claim 21 is allowable as a result. New dependent claims 22 and 23 are similar to claims 17 and 18 are also allowable for the same reasons.

Conclusion

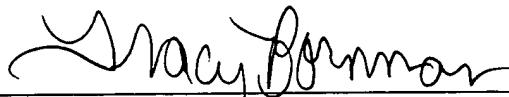
In view of the argument and amendments made herein, Applicant respectfully submits that claims 1-23 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19- 0522.

Appl. No. 10/634,497
Reply to Office Action of September 15, 2005

Respectfully submitted,

HOVEY WILLIAMS LLP

BY:

A handwritten signature in black ink, appearing to read "Tracy Bornman", is written over a horizontal line.

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